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### **REMARKS/DISCUSSION OF ISSUES**

Claims 1-22 are pending in the application.

Applicant thanks the Examiner for acknowledging the acceptability of the drawings. Applicant also acknowledges the indication that claims 3, 10 and 17 define allowable subject matter and would be allowable if rewritten to be in independent form including all features of their respective base claims, and any intermediate claims.

Reexamination and reconsideration are respectfully requested in view of the following remarks.

#### **35 U.S.C. § 102**

The Office Action rejects claims 1-2, 4-9, 11-16, and 18-22 under 35 U.S.C. § 102 over Tajima U.S. patent 6,928,231 ("Tajima").

Applicant respectfully traverses these rejections for at least the following reasons.

#### **Claim 1**

Among other things, the system of claim 1 includes an image processor that compares a demodulated field from the received broadcast programming to a template defining characteristics of video content desired to be recorded, and saves the field in response to determining at least a threshold level of similarity between the field and the template.

Applicant respectfully submits that Tajima does not disclose an image processor that performs such functions.

In particular, Applicant respectfully submits that Tajima does compare a demodulated field to anything in order to make a determination whether to store the field or not. Tajima discloses extracting a face or an object from a video signal and processing it, for example passing the extracted "face region" through a "face normalizing means 3" to produce a normalized face image 26 which is compared to a normalized face image 51 in a face image database. However, this is not the same as comparing a demodulated field from a received broadcast program to a template

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and determining whether (or not) a threshold similarity exists between the demodulated field and the template, which are featured in claim 1.

For an explanatory example to the Examiner, and not by way of limitation of the claims, FIGs. 2A-2b illustrate two exemplary demodulated fields from a received broadcast program, and FIG. 2C illustrates an exemplary template against which the fields may be compared.

In summary: (1) Tajima does not compare any demodulated field to a template; and (2) Tajima does not determine any threshold level of similarity between a demodulated field and a template.

Accordingly, for at least these reasons Applicant respectfully submits that claim 1 is patentable over Tajima.

Claims 2 and 4-7

Claims 2 and 4-7 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 8

Among other things, the receiver of claim 8 includes an image processor that compares a demodulated field to a template and saves the field in response to determining at least a threshold level of similarity between the field and the template.

As explained above with respect to claim 1, Tajima does not compare any demodulated field to a template; and also does not determine any threshold level of similarity between a demodulated field and a template.

Accordingly, for at least these reasons Applicant respectfully submits that claim 8 is patentable over Tajima.

Claims 9 and 11-14

Claims 9 and 11-14 depend from claim 8 and are deemed patentable for at least the reasons set forth above with respect to claim 8.

Claim 15

Among other things, the method of claim 15 includes comparing a field from broadcast programming to a template, and saving the field in response to determining at least a threshold level of similarity between the field and the template.

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As explained above with respect to claim 1, Tajima does not compare any demodulated field to a template; and also does not determine any threshold level of similarity between a demodulated field and a template.

Accordingly, for at least these reasons Applicant respectfully submits that claim 15 is patentable over Tajima.

Claims 16 and 18-21

Claims 16 and 18-21 depend from claim 8 and are deemed patentable for at least the reasons set forth above with respect to claim 8.

Claim 22

Among other things, the datastream of claim 22 includes both a broadcast programming stream including selected broadcast programming, and at least one template suitable to be used by a receiver to select a portion of the broadcast programming stream for recording based on similarity of a field of the broadcast programming stream and the template.

At the outset, Applicant respectfully submits that Tajima does not disclose any datastream that includes both a broadcast programming stream and at least one template. The Office Action cites nothing in Tajima as even allegedly disclosing such a datastream, and in fact the Office Action makes no mention of this datastream at all. Instead, the Office Action rejects claim 22 "for the same reasons" as discussed with respect to claims 1 and 3-7, even though none of the claims 1 and 3-7 recite any such datastream.

The Examiner is respectfully requested to either cite something in Tajima that discloses the datastream of claim 22, or else withdraw the rejection of claim 22.

Furthermore, the datastream of claim 22 includes a template that is suitable to be used by a receiver to select a portion of the broadcast programming stream for recording based on similarity of a field of the broadcast programming stream and the template. As explained above with respect to claim 1, Tajima does not select a portion of a broadcast programming stream for recording based on similarity of a field of the broadcast programming stream and a template.

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Accordingly, for at least these reasons Applicant respectfully submits that claim 22 is patentable over Tajima.

### CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-22 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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Date: 23 June 2006

By: 

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